

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: : Case No. 20-54794

William M. Sweeney : Chapter 13
Michelle L. Sweeney

Debtors. : Judge Mina Nami Khorrami

DEBTORS' MOTION TO MODIFY PLAN POST-CONFIRMATION

Debtors, by and through their counsel, hereby move to modify their Chapter 13 plan.

Debtors respectfully request that the modification be granted for reasons more fully set forth in the Memorandum below.

Respectfully submitted,

/s/ Katherine B. Brewer
Katherine B. Brewer (0087822)
Wood & Brewer, LLC
470 Olde Worthington Rd, Suite 200
Westerville, Ohio 43082
(614) 410-6878 (Telephone)
(888) 560-1002 (Facsimile)
kbrewer@woodbrewerlaw.com
Counsel for Debtors

MEMORANDUM IN SUPPORT

On May 5, 2021, Debtors' Chapter 13 plan was confirmed. Pursuant to the Debtors' Chapter 13 plan, Debtors were required to make payments of \$1,800.00 for 12 months, \$2,800.00 for 12 months, \$4,000.00 for 12 months, \$5,200.00 for 12 months, then \$6,125.00 for the remainder. The unsecured dividend was five percent (5.00%). On July 28, 2021, this Court signed an Order Approving a Motion to Modify Plan, changing the payments as follows, beginning in June 2021 (in order to pay the second mortgage with Fifth Third conduit through the plan): \$2,005.00 per month until October 2021, then \$3,005.00 per month until October 2022, then \$4,205.00 per month until October 2021, then \$5,405.00 per month until October 2024, then \$6,330.00 per month for the remainder of the plan (*See Doc. No. 49*). The unsecured dividend remains at five percent (5.00%).

Debtor was hopeful that he would have gained employment by this time, but due to the difficulties of obtaining employment amidst the COVID-19 pandemic, Debtor has been unable to do so. Therefore, the Debtors propose to pay \$1,800.00 per month from October 2021 until December 2021, then increase to \$3,005.00 until October 2022, then \$4,205.00 until October 2023, then \$5,405.00 until October 2024, then \$6,330.00 for the remainder of the plan. The dividend paid to unsecured creditors shall remain at five percent (5.00%). The Debtors shall make a plan payment for no longer than sixty (60) months.

The proposed modification will not modify the rights of the holders of unsecured claims. The proposed modification will not modify the rights of any secured claim holders, with the exception of Fifth Third Bank, who will receive the monthly mortgage payment of \$0.00 conduit through the Chapter 13 plan until December 2021. Attorney fees shall be \$0.00 per month from

September 2021 until December 2021 and will resume in the amount of \$25.00 per month in January 2022.

The proposed modified plan is attached hereto and a copy of the same, together with a copy of this Motion and Memorandum of Support has been sent to the Chapter 13 Trustee, US Trustee, and holders of all claims.

WHEREFORE, the Debtors pray they be permitted to amend the plan to conform to the attached amended plan pursuant to 11 USC Section 1329.

Respectfully submitted,

/s/ Katherine B. Brewer
Katherine B. Brewer (0087822)
Wood & Brewer, LLC
470 Olde Worthington Rd, Ste 200
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(614) 410-6878 – Direct Office
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Attorney for Debtors

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AMENDMENT TO CONFIRMED CHAPTER 13 PLAN

Now comes the Debtor herein to amend the plan to state:

Debtors' plan payment shall be \$1,800.00 per month from October 2021 until December 2021, then increase to \$3,005.00 until October 2022, then \$4,205.00 until October 2023, then \$5,405.00 until October 2024, then \$6,330.00 for the remainder of the plan. The dividend paid to unsecured creditors shall remain at five percent (5.00%). The Debtors shall make a plan payment for no longer than sixty (60) months.

The proposed modification will not modify the rights of the holders of unsecured claims. The proposed modification will not modify the rights of any secured claim holders, with the exception of Fifth Third Bank, who will receive the monthly mortgage payment of \$0.00 conduit through the Chapter 13 plan until December 2021. Attorney fees shall be \$0.00 per month from September 2021 until December 2021 and will resume in the amount of \$25.00 per month in January 2022.

Dated: October 13, 2021

/s/ Katherine B. Brewer
Attorney for Debtor(s)

Debtors' Verification

I/we declare under penalty of perjury that I/we have read the attached amendments and that they are true and correct to the best of my/our knowledge, information or belief.

Date: October 13, 2021

/s/ William M. Sweeney
Debtor, William M. Sweeney

/s/ Michelle L. Sweeney
Joint Debtor, Michelle L. Sweeney

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NOTICE OF MOTION/OBJECTION

The Debtors have filed papers with the Court to modify their plan. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to 170 North High St., Columbus, OH 43215, or your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to;

Katherine B. Brewer, 470 Olde Worthington Rd., Suite 200, Westerville, OH 43082

Edward A. Bailey, Chapter 13 Trustee, 130 E. Wilson Bridge Road, Suite 200, Worthington OH 43085

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further notice or hearing.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Modify Plan Post-Confirmation, was served (i) **electronically** on the date of filing through the Court's ECF system on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on October 13, 2021 addressed to:

**William M. & Michelle L. Sweeney
1209 Chatham Ridge Road
Westerville OH 43081**

**Alison A. Gill
615 Copeland Mill Road, Suite 1F
Westerville, Ohio 43081 (Attorney for Lender)**

**U.S. Bank Trust National Association, as Trustee of the Chalet Series IV Trust
c/o SN Servicing Corporation
323 Fifth Street
Eureka, CA 95501 (Lender)**

Respectfully submitted,

/s/ Katherine B. Brewer
Katherine B. Brewer (0087822)
Wood & Brewer, LLC